

PUBLIC UTILITY AND SERVICE DISTRICTS – CHAPTER 4

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CHAPTER 4 – PUBLIC UTILITY AND SERVICE DISTRICTS

Section 4-101. FUNCTION. There shall be in the City of Brooklyn Center water utility, a sanitary sewer utility, a storm drainage utility, and a street light service district.

Section 4-102. MANAGEMENT. The city manager shall be responsible for the management of the public utilities and service districts.

Section 4-103. PUBLIC UTILITIES AND SERVICE DISTRICT FUNDS. There shall be maintained within the City accounting system separate funds established for each distinct utility or service district. All monies collected by the public utilities and service districts shall be deposited in the appropriate fund. Each fund shall be used to meet all the expenses for operation, maintenance, repair, plant expansion, and administration of that utility or service district.

Section 4-104. RATES, FEES, AND CHARGES. The City Council shall adopt by resolution schedules of utility and service rates, fees, and charges which schedules shall be known as the public utilities rate schedules.

Section 4-105. CHARGE PROCEDURES. The city manager shall establish procedures for determining and collecting customer charges consistent with the adopted rate schedules.

Charges for water service shall be based upon a metered quantity of water which a property owner or occupant draws from the municipal system. The public utilities division will remotely read all meters in each district. In the case a meter reading cannot be obtained the City will charge for water service based on previous metered quantities.

Utility and service accounts shall become due immediately following billing and shall be considered as an obligation of the respective property. A service charge as prescribed by the adopted rate schedule shall be added to the next billing on any account unpaid one month after the date of billing. An additional service charge shall be added for each subsequent billing period in which such account, including accumulated service charges remains delinquent. Any charges which are delinquent and which have been properly billed to the premises may be certified by the city clerk to the county auditor for collection from the property owner. The amounts so certified, including service charges and interest commencing from date of initial delinquency, shall be extended by the county auditor on the tax rolls against premises in the same manner as special assessments and shall be paid to the City along with tax revenues. Unpaid charges for operation of the street light system shall be certified for collection as special assessments in accordance with the procedures specified in Minnesota Statutes, Section 429.101.

Section 4-201. WATER CONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner desiring a permit to connect a dwelling or other building to the public water system of the City of Brooklyn Center shall apply therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Payment of Connection Charge. Prior to issuance of a connection permit the applicant shall be required to pay the connection charge in full.

Subdivision 3. Connection Requirements. No water service line between the curb stop and the plumbing system of any dwelling or other building to be served shall be constructed until a licensed plumber has obtained a connection permit from the planning and inspection department and a water meter from the public utilities division. The adopted permit fee shall be paid to the city general fund as payment for inspection services. In constructing water service lines plumbers shall adhere to standards regarding location, size, grade, materials and workmanship as determined by the public works director. It shall be unlawful to cover the water service line until inspected by a representative of the planning and inspection department. A water meter shall be installed prior to connecting the water service line to the premises' system for consumption by the customer.

Subdivision 4. Separation of Supplies. Whenever any premises are connected to the municipal water supply system there shall be a complete physical separation between the municipal water supply system to such premises and any private water supply system so that it is impossible, either intentionally or unintentionally for any water produced by a private water supply system to be mixed with the municipal water supply.

Subdivision 5. Meter Installation Requirements. Unless otherwise authorized by the public works director, no water shall be drawn from the municipal water supply system until a water meter has been obtained from the public utilities division and installed to accurately measure all of the water drawn from the system. The public utilities division shall reserve the right to select a meter of the proper size based on the expected maximum flow through the service pipe.

All meters shall be set at the nearest practicable location to the point where the service pipe enters the building and shall be set in such a manner as to be easily accessible for reading, removal and resetting as determined by the supervisor of the public utilities division.

Subdivision 6. Meter Maintenance. The public utilities division will maintain ownership and shall be responsible to maintain and repair all water meters in the system as may be necessary. The public utilities division shall replace or repair meters found to be worn or defective and the customer shall afford entry at reasonable times for such replacement or repair. However, the cost of repairing damaged water meters (i.e. tampering, external physical damage, excessive heat or cold temperatures, etc.) shall be charged to the owner. New or replaced water meters must be obtained from the public utilities division at a charge established in the City fee schedule.

Subdivision 7. Service Line Responsibility. The cost of installing all water supply plumbing units, including fixtures, outlets, valves, and the supply lines between the building and the curb stop, shall be borne wholly by the property owner and such plumbing shall be subject to reasonable inspections by representatives of the City community development department. After the initial connection to the curb stop, the property owner shall thereafter be liable for all repair or grade adjustments to his water service line between the street main and the building being served. The public utilities division supervisor shall have final authority in determining when such repairs or grade adjustments are necessary. The supervisor shall give written notice to the property owner of the necessity for repairs or adjustments and the time within which they must be completed.

Subdivision 8. Fire Connections. Any person, firm, or corporation desiring to connect fire stand pipes, fire supply pipes, private fire hydrants, or fire sprinkling pipes to the City water system in such a manner that the water supplied to said fire system is not required to be metered, shall make application to the planning and inspection department. Where such application is granted, water shall not be drawn for any purpose other than fire suppression. A detector check valve type meter or other device approved by the supervisor of the public utilities division shall be installed at or near the place of connection to the water service pipe, except for the case of private fire hydrants. An annual fee shall be paid as prescribed in the adopted rate schedule and annual inspections shall be made of the connection.

Subdivision 9. Acceptance of Terms. Every property owner receiving or applying for water service from the municipal system shall be deemed by such receipt or application as consenting to all rules, regulations, and rates relating to the public utilities division and such rules, regulations and rates as may from time to time be established by duly constituted authority.

Every person authorized to perform work on the municipal water system or on the property owner's service line or on the property owner's plumbing system shall be deemed by such authorization as consenting to all rules and regulations relative to the public utilities division.

The application for or continued use of any connection to the City water supply system by the owner or occupant of a premise shall constitute authorization for any authorized employee of the public utilities division to enter upon the premises for the purpose of reading meters, inspecting facilities related thereto, or any other purpose reasonably necessary for the proper operation and maintenance of the meter and service line.

Section 4-202. CONDITIONS OF USE.

Subdivision 1. Authority to Restrict Use. The City of Brooklyn Center hereby reserves the right to limit the use of water from the City water supply and distribution system and to prescribe emergency conditions for use of water. The City Council may in its discretion adopt a resolution supplementing the sprinkling ban under Subdivision 2 with a total prohibition on sprinkling.

Subdivision 2. Sprinkling Ban. To protect the health and safety of the consumers and the general welfare of the City, and to encourage water conservation, the City hereby adopts the following permanent sprinkling ban. The sprinkling or watering of lawns and gardens is prohibited from May 1 to September 30 each year; provided, however, that odd-numbered property addresses may water on odd-numbered days, and even-numbered property addresses may water on even-numbered days.

Subdivision 3. Exceptions. The sprinkling ban under subdivision 2 does not apply to:

- a. Property owners using a private well for sprinkling;
- b. Property owners who obtain a watering permit from the City for the watering of new sod for the first twelve weeks after it is sodded or the watering of new seed for the first twelve weeks after it is seeded; and
- c. Property owners who have received approval from the City to operate a drip irrigation system.

Subdivision 4. Discontinuance of Service.

- a. The public utilities division may discontinue service to any customer of the water system without notice when necessary for repairs.
- b. Upon reasonable notice, service may be discontinued for nonpayment of individual accounts, for disregard of duly established rules and regulations pertaining to the operations of the water distribution system, or for violation of the sprinkling ban provisions in subdivision 2.
- c. Whenever service is discontinued for nonpayment of accounts, disregarding duly established rules and regulations, or for violation of the sprinkling ban, such service shall not be resumed except upon payment of outstanding bills, enforcement fines, full compliance with duly established rules and regulations or sprinkling ban, and the payment to the public utilities division of a service restoration charge as prescribed by the adopted rate schedule.
- d. The City of Brooklyn Center or the public utilities division shall not be liable for any damage to persons or property caused in whole or in part by the discontinuance of water service.

Section 4-203. GENERAL REGULATIONS.

Subdivision 1. It shall be unlawful for any person to tamper with, use, alter, or damage any fire hydrant, curb, or valve box, or street valves except through authority from the public utilities division. Any person who shall damage any part of the municipal water supply system, including any valve or hydrant, shall be liable for such damages.

Subdivision 2. It shall be unlawful to connect a premise to the municipal water supply unless an approved water meter purchased from the public utilities division is installed. It shall be unlawful for any nonauthorized person to tamper with, alter, bypass, or in any manner whatsoever interfere with the proper use and functioning of an approved water meter which has been installed.

Subdivision 3. It shall be unlawful for any person to plant any tree, shrub, or bush within eight feet of any fire hydrant or to place or erect any object which would hide or obscure such fire hydrant and prevent it from being seen from the street.

Section 4-204. WATER DISCONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner required by City authority to disconnect a dwelling or other building from the public water system of the City of Brooklyn Center shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Disconnection Requirements. No water service line between the curb stop and the plumbing system of any dwelling or other building shall be disconnected until a licensed plumber has obtained a disconnection permit from the City planning and inspection department. The adopted permit fee shall be paid to the City general fund as payment for inspection services. The disconnection procedure shall include disconnection of the water meter and delivery thereof to the public utilities division. In disconnecting water service lines plumbers shall adhere to standards of workmanship and disconnection procedures as determined by the public works director. It shall be unlawful to cover the disconnection at the City water supply line until inspected by a representative of the planning and inspection department.

Section 4-205. WATER SERVICE LINE REPAIR PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner, before proceeding with repair or adjustment of a water service line to a dwelling or building from the public water system of the City of Brooklyn Center, pursuant to Section 4-201 (7) of this ordinance, shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Repair Requirements. No water service line between the street main and the building being served shall be repaired or adjusted until a licensed plumber has obtained a repair permit from the City planning and inspection department. Any adopted permit fee shall be paid to the City general fund as payment for inspection services.

In repairing said water service line the plumber shall adhere to standards of workmanship and repair procedures as determined by the public works director. It shall be unlawful to cover the water service line until inspected by a representative of the planning and inspection department.

Section 4-301. CONNECTIONS TO SEWER REQUIRED. Every dwelling building or other structure in which plumbing exists or is to be installed shall be connected with the City sanitary sewer system whenever such system is available as determined by the director of public works. Connections shall be made within one year after the City sanitary sewer system is made available.

All buildings' liquid waste systems shall be connected to the City sanitary sewer. Where no sanitary sewer is available the onsite system shall be approved by the health authority utilizing the criteria specified in MPCA-WPC 40, Individual Onsite Sewage System.

Section 4-302. SANITARY SEWER CONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner desiring a permit to connect to dwelling or other building to the sanitary sewer system of the City of Brooklyn Center shall apply therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Payment of Connection Charge. Prior to issuance of a connection permit the applicant shall be required to pay connection charge in full.

Subdivision 3. Connection Requirements. No sanitary service line between the sewer main and the waste system of any dwelling or other building to be served shall be constructed until a licensed plumber has obtained a connection permit from the planning and inspection department. The adopted permit fee shall be paid to the City general fund as payment for inspection services. In constructing said sanitary sewer service line, the plumber shall adhere to standards regarding location, size, grade, materials and workmanship as determined by the public works director. It shall be unlawful to cover the sanitary sewer service line until an inspection has been completed to insure that a proper and suitable connection has been made.

Subdivision 4. Service Line Responsibility. The cost of installing the sanitary sewer service line between the building and the main service stub shall be borne wholly by the property owner. After the initial connection to the main service stub the property owner shall thereafter be liable for all maintenance and repairs to his sewer service line between the street main and the building being served. The City shall reserve the right, upon determination of the public works director, to require that the owner of any connected premise other than single and multiple family dwellings shall install, at the property owner's expense, a water meter on a respective private water supply.

Section 4-303. CONDITIONS OF USE. The public utilities division shall regulate the discharge of waste through the sanitary sewer system pursuant to standards established by the State of Minnesota, the Metropolitan Council Environmental Services, and the Brooklyn Center public works department.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

Storm water and unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural drainage outlet. Unpolluted industrial cooling waters or unpolluted process waters may be discharged upon approval of the public works director to a storm sewer or natural drainage outlet.

Section 4-304. SANITARY SEWER DISCONNECTION PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner required by City authority to disconnect a dwelling or other building from the sanitary sewer system of the City of Brooklyn Center shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Disconnection Requirements. No sanitary service line between the sewer main and the waste system of any dwelling or other building shall be disconnected until a licensed plumber has obtained a disconnection permit from the planning and inspection department. The adopted permit fee shall be paid to the City general fund as payment for inspection services. In disconnecting said sanitary sewer service line the plumber shall adhere to standards of workmanship and disconnection procedures as determined by the public works director. It shall be unlawful to cover the disconnection work until inspected by a representative of the planning and inspection department.

Section 4-305. SEWER SERVICE LINE REPAIR PROCEDURES AND REGULATIONS.

Subdivision 1. Permit Application. Any property owner, before proceeding with repair or adjustment of a sanitary sewer service line to a dwelling or building from the public sewer system of the City of Brooklyn Center, pursuant to Section 4-302 (4) of this ordinance shall secure a permit therefor, through a licensed plumber, at the City community development department.

Subdivision 2. Repair Requirements. No sanitary sewer service line between the street main and the building being served shall be repaired or adjusted until a licensed plumber has obtained a repair permit from the City planning and inspection department. Any adopted permit fee shall be paid to the City general fund as payment for inspection services. In repairing said sanitary sewer service line the plumber shall adhere to standards of workmanship and repair procedures as determined by the public works director. It shall be unlawful to cover the sanitary sewer service line until inspected by a representative of the planning and inspection department.

Section 4-401. STORM DRAINAGE UTILITY. There shall be in the City of Brooklyn Center a Storm Drainage Utility, which shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075.

Section 4-402. RESIDENTIAL EQUIVALENCY FACTOR (REF). One (1) REF is defined as the ratio of the average volume of runoff generated by one (1) acre of a given land use to the average volume of runoff generated by one (1) acre of typical single family residential land during a standard one (1) year rainfall event.

Section 4-403. STORM WATER DRAINAGE FEES.

Subdivision 1. Calculation of Fee. Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as follows:

CLASSIFICATION	LAND USES	REF
1	Cemeteries, Golf Courses	0.25
2	Parks	0.50
3	Single Family and Duplex	1.00
4	Schools and Institutional	1.25
5	Multiple Family and Churches	3.00
6	Commercial, Industrial	5.00
7	Vacant Land	As assigned

Subdivision 2. Standardized Acreage. For the purpose of calculating storm drainage fees, all developed single family and duplex residential parcels shall be considered to have an acreage of one-fourth (1/4) acre.

Subdivision 3. Excluded Lands. The following land uses are exempt from storm water drainage fees: (a) public rights of way; and (b) vacant, unimproved land with ground cover.

Subdivision 4. Other Land Uses. Other land uses not listed in the foregoing table shall be classified by the city manager by assigning them to the classes most nearly like the listed uses from the standpoint of probable hydrologic response.

Subdivision 5. Appeals. Appeals regarding the determination of the proper classifications may be made to the City Council. The council may adjust, by resolution, the storm drainage fee for a parcel or a class of parcels based upon hydrologic data to be supplied by property owners, which data demonstrate a hydrologic response substantially different from the standards. Such adjustments of storm water drainage fees shall not be made retroactively.

Section 4-404. CONNECTIONS AND DISCHARGES TO THE STORMWATER SYSTEM.

Subdivision 1. Definitions. For the purposes of this section, the following shall mean:

Authorized Enforcement Officer. The City Manager or the City Manager's designee, who is authorized to enforce this section.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in subdivision 6 of this section.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Authorized Enforcement Officer; or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the Authorized Enforcement Officer.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MS4. The municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document that describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Subdivision 2. Applicability. This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an Authorized Enforcement Officer.

Subdivision 3. Responsibility for Administration. The City Manager or the City Manager's designee shall administer, implement, and enforce the provisions of this section.

Subdivision 4. Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

Subdivision 5. Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this section are minimum standards. Therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Subdivision 6. Discharge Prohibitions.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

- a. The following discharges are exempt from discharge prohibitions established by this section provided they meet all other requirements of law: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wet-land flows; swimming pools (if dechlorinated - typically less than one PPM chlorine); the application of fertilizers to gardens, trees, bushes, or turf; the application of salt to walkways, parking lots and streets for safety purposes (but not the storage of salt uncovered); composting of leaves and organic materials; discharges resulting from fire fighting activities; mowing grass; and any other water source not containing Pollutants.

- b. Discharges specified in writing by the Authorized Enforcement Officer as being necessary to protect public health and safety are allowable.
- c. Any discharge is allowable if approved in writing by the Authorized Enforcement Officer as being a reasonable, incidental and customary use of real property that, when considered by itself or in combination with other similar discharges, will not have a significant effect on surface waters. The Authorized Enforcement Officer may impose such conditions on any such approval as the Authorized Enforcement Officer deems necessary to so restrict such discharges that they will not have a significant effect on surface waters.
- d. Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Officer prior to the time of the test.
- e. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

- a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Subdivision 7. Suspension of MS4 Access.

Suspension Due to Illicit Discharges in Emergency Situations

The Authorized Enforcement Officer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Officer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Authorized Enforcement Officer will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Officer for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this subdivision, without the prior approval of the Authorized Enforcement Officer.

Subdivision 8. Industrial or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the allowing of discharges to the MS4.

Subdivision 9. Monitoring of Discharges.

Applicability.

This subdivision applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Access to Facilities.

- a. The Authorized Enforcement Officer shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Authorized Enforcement Officer.
- b. Facility operators shall allow the Authorized Enforcement Officer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The Authorized Enforcement Officer shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Authorized Enforcement Officer to conduct monitoring and/or sampling of the facility's storm water discharge.

- d. The Authorized Enforcement Officer has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Authorized Enforcement Officer and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the Authorized Enforcement Officer access to a permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Authorized Enforcement Officer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
- g. If the Authorized Enforcement Officer has been refused access to any part of the premises from which stormwater is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Authorized Enforcement Officer may seek issuance of a search warrant from any court of competent jurisdiction.

Subdivision 10. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices. The Authorized Enforcement Officer will adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Subdivision 11. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Subdivision 12. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Officer in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Officer within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Subdivision 13. Enforcement.

Notice of Violation.

Whenever the Authorized Enforcement Officer finds that a person has violated a prohibition or failed to meet a requirement of this section, the Authorized Enforcement Officer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Subdivision 14. Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the Authorized Enforcement Officer. The notice of appeal must be received within ten days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

Subdivision 15. Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten days of the decision of the municipal authority upholding the decision of the Authorized Enforcement Officer, then representatives of the Authorized Enforcement Officer may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Subdivision 16. Cost of Abatement of the Violation. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this section shall become liable to the City by reason of such violation.

Subdivision 17. Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the Authorized Enforcement Officer may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

Subdivision 18. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Subdivision 19. Criminal Prosecution. Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty as a misdemeanor.

Subdivision 20. Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Authorized Enforcement Officer to seek cumulative remedies.

Section 4-501. STREET LIGHTING SERVICE DISTRICT ESTABLISHED. Minnesota Statutes Chapter 429 authorizes cities to impose charges for the operation of a street lighting system. A City street lighting system is hereby established. The system consists of all street lighting facilities, whether owned by the City or otherwise, for which the City purchases and supplies electrical energy.

A street lighting service district is hereby established. The district shall include all property within the City of Brooklyn Center.

Section 4-503. STREET LIGHTING RATES AND FEES.

Subdivision 1. The City Council shall adopt by resolution a street lighting service charge rate structure that shall be included in the Public Utilities Rate Schedule, pursuant to Section 4-104.

Subdivision 2. Street lighting charges for parcels of land shall be based on land use. The billing unit for residential parcels zoned or used as residential shall be a “dwelling unit”. The billing unit for parcels zoned or used as all other zoning classifications shall be an “acre”.

Section 4-801. SEPARABILITY AND VALIDITY. Every section, provision, or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision, or part thereof.

Section 4-901. PENALTIES. Whoever does any act or omits to do any act which constitutes a breach of any section of this chapter shall, upon conviction thereof by lawful authority, be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the cost of prosecution.